

Claims 1, 2 and 5-9 are directed toward a method for dissolving a solid material in a liquid. The claimed method calls for: 1) combining a tracer with a solute in known proportions with the tracer being capable of raising the turbidity of a solvent; 2) providing a container for receiving the tracer/solute mixture and a solvent; 3) introducing the solvent and the tracer/solute mixture into the container; and, 4) stirring the solvent until the turbidity thereof reaches a predetermined level. The result is an uncomplicated method for producing a solvent containing a predetermined concentration of a solute.

The method of Sivakumar et al. differs substantially from that of the Applicant. First of all, the tracers taught by Sivakumar et al. are fluorescent compounds whose luminous emissions are detected by fluorometers. These compounds, contrary to the Examiner's assertions, do not "increase the turbidity of a solvent (water) in proportion to the concentration of the solute dissolved in solvent." Example 9 and Figure 32, dealing with the removal of emulsified oil from water and being referenced by the Examiner, make clear that turbidity is a function of the presence of a polymer (solute) and is not, as the Applicant claims, a function of the presence of a tracer. Furthermore, nothing in Sivakumar et al. regarding fluorescence suggests the use of the turbidity of a solvent containing a *turbidity-changing* tracer in order to: a) estimate the concentration of a solute in the solvent, and b) control the duration of a process or stir a solvent until the turbidity of the solvent reaches a predetermined level as the Applicant has claimed. It is, therefore, believed that the Examiner has misunderstood the teachings of Sivakumar et al.

The Examiner states that it would have been obvious to one of ordinary skill to have monitored turbidity and tracer concentration disclosed by Sivakumar et al. while stirring is

continuously conducted as suggested by Zaander et al. and Martin so as to maintain stable, optimum levels of treatment chemicals in the water being treated. Assuming for the sake of argument that Zaander et al. and Martin do teach the continuous stirring of liquids in a manner permitting addition to the method of Sivakumar et al., such an addition would result in the continuous suspension of coagulated or flocculated wastes thereby making it impossible to either collect the suspended wastes or ensure that the optimum level of treatment chemicals in the waste-contaminated liquid was being maintained. So, Sivakumar et al. teach that stirring not be continuous and explicitly provide settling periods (see, for example, column 17, lines 27-29) for the removal of coagulated or flocculated wastes. Since the principal objects of Sivakumar et al. would be lost by the Examiner's proposed combination, one of ordinary skill in the art would not likely make it.

In regard to claim 2, nothing can be found in Sivakumar et al. at column 1, line 65 and column 8, lines 33-50, that would support the Examiner's contention that a tracer and a solute both be finely divided solids. The Examiner seems to have made up a teaching with which claim 2 was rejected. Again, putting the best face on things, it is believed that the Examiner has misunderstood Sivakumar et al.

With respect to claim 6, it is said by the Examiner that Sivakumar et al. teach that the amount of a particular mixture introduced to a container is sufficient to saturate a solvent. The Examiner points to Figures 29 and 30 in support of this contention. There is nothing in Figure 29, however, to indicate that the colored liquid being treated could not hold an N-8108 dose of greater than 2500 ppm. In fact, the upward slope of the graphed lines at the right of the chart

indicate that higher concentrations are possible. Testing was stopped at less than 2500 ppm since the optimum N-8108 dose is less than 1000 ppm. Testing at concentrations higher than 2500 ppm is unnecessary for the purposes of Sivakumar et al. The same thing holds true with the data in Figure 30. Again, it is believed that the Examiner has misunderstood Sivakumar et al.

As for claims 7 and 9, it is noted that the Examiner offers no reasoning to support the combination of Sivakumar et al. with Zaander et al. or Martin. Should the Examiner choose to maintain the rejection of claims 7 and 9 in view of the comments provided above, it is requested that the Examiner offer some legal basis in support of the combination as required by the MPEP.

With regard to claim 8, Sivakumar et al. do not teach two important aspects of the Applicant's invention. First, Sivakumar et al. lack a tracer capable of increasing turbidity as noted above. Also, Sivakumar et al. miss a container equipped with a turbidimeter for measuring solvent turbidity. In Example 9, Sivakumar et al. clearly indicate that supernatant is collected and tested by turbidimeter remote from the contaminated stirring/settling container. Neither Zaander et al. nor Martin make up for the deficiency. Thus, the rejection of claim 8 must fail.

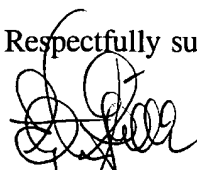
Claim 3, requiring a tracer capable of increasing the turbidity of a solvent, was rejected under 35 U.S.C. § 103(a) as being unpatentable over Sivakumar et al. in view of Zaander et al. or Martin and further in view of Zeiher et al. (U.S. Pat. No. 6,821,428). Zeiher et al. teach the use of fluorescent tracers. Contrary to the Examiner's assertion, there is nothing from Zeiher et al. that would indicate that their tracers have an effect upon the turbidity of a solvent in a meaningful or measurable way. Furthermore, the tracers noted by the Examiner as being

mentioned by Zeiher et al. are not listed in claim 3. This rejection is improper since the combination proffered by the Examiner cannot provide all of the limitations of claim 3.

With regard to claims 10-12, rejected under 35 U.S.C. § 103(a) as being unpatentable over Sivakumar et al. in view of Zaander et al. or Martin and further in view of Zeiher et al. and Dixon (U.S. Pat. No. 5,308,499), the Examiner misreads Sivakumar et al. Here, the Examiner contends that coagulants or flocculants employed at column 5, lines 23-26, of Sivakumar et al. are alkali metal salts, i.e., alkali builders. Sivakumar et al., however, make clear that the materials referred to at column 5, lines 23-26, are, in fact, tracers not coagulants or flocculants. Thus, the rejection of claims 10-12 makes no sense whatsoever. Again, it appears that the Examiner has misunderstood the principal reference that he has cited.

It is respectfully submitted that this application is in condition to be passed to issue. If such is not determined to be the case, however, the Examiner is respectfully requested to call the undersigned attorney at the number given below in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,



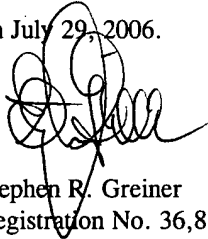
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